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WOLF GREENFIELD & SACKS, PC
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2211

EXAMINER

CONLEY, FREDRICK C

ART UNIT PAPER NUMBER

3673

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,858

Applicant(s)

CHAFFEE, ROBERT B.

Examiner

Fredrick C Conley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 17 and 35-40 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9-15, 18-20, 22-27, 30-34, 41-44 and 49-55 is/are rejected.
- 7) ☒ Claim(s) 4, 21, 28, 29 and 45-48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7, 9-12, 18-20, 22-27, 41-44, and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 1,423,590 to Zimmerman in view of U.S. Pat. No. 1,519,380 to Kochanski.

In reference to claim 1, Zimmerman discloses a fastener comprising:
a housing 2 sized and adapted to mate with a fastening element 4; and
a latch 10 positioned relative to the housing to retain the fastening element within the housing; wherein the housing is formed from a sheet metal that is inherently flexible (col. 2 lines 83-92). Zimmerman fails to disclose the depressible latch positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element. Kochanski discloses a fastener having a latch retaining a fastening element by interference with a lateral surface of the fastening element. It would have been obvious to have the lateral surface of the fastening element of Zimmerman interfere with the fastening element as taught by Kochanski in order to prevent the fastening element from being accidentally disconnected from the fastener.

Regarding claim 2, further including a flange 1 and wherein the housing and the latch are both connected to the flange.

Regarding claim 3, wherein the flange is configured so that it can be connected to a sheet of material (col. lines 78-82).

Regarding claim 5, wherein the housing comprises a side wall 11 and a retaining lip (12,13).

Regarding claim 6, wherein the retaining lip (12,13) defines a downwardly extending notch to accommodate a fastening element attachment mechanism.

Regarding claim 7, wherein the side wall 11 comprises a semi-circular section.

Regarding claim 9, wherein the latch is flexible (col. 2 lines 83-92).

Regarding claim 10, wherein the latch defines a flange generally parallel to a base of the housing and projecting towards the interior of the housing (fig. 11).

Regarding claim wherein the latch defines a protrusion having a portion corresponding to the shape of the fastening element (fig. 11).

Regarding claim 12, wherein the fastener is formed in a sheet of material (col. 2 lines 77-82).

In reference to claim 18, Zimmerman discloses a fastener comprising:
a housing 2 sized and adapted to mate with a fastening element 4; and
a latch 10 positioned relative to the housing to retain the fastening element within the housing, wherein the latch comprises a protrusion having a portion corresponding to the shape of the fastening element. Zimmerman fails to disclose comprising a first portion to which pressure is applied when the fastening element is moved into engagement with the fastener and a second portion upon which the fastening element rests when in an engaged position, at least a part of the first portion being disposed at a distance from

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the surface which is greater than the distance from the second portion to the surface.

Kochanski discloses a fastener having a latch 14 with a first portion to which pressure is applied when the fastening element is moved into engagement with the fastener and a second portion upon which the fastening element rests when in an engaged position (col. 2 lines 79-86), at least a part of the first portion being disposed at a distance from the surface which is greater than the distance from the second portion to the surface (fig. 6 & 8). It would have been obvious to one having ordinary skill at the time of the invention to have the latch of Zimmerman with a first portion and second portions as taught by Kochanski in order to prevent the fastening element from being accidentally disconnected from the fastener.

Regarding claim 19, further including a flange 1 and wherein the housing and the latch are both connected to the flange.

Regarding claim 20, wherein the flange is configured so that it can be connected to a sheet of material (col. 2 lines 78-82).

Regarding claim 22, wherein the housing comprises a side wall 11 and a retaining lip (12,13).

Regarding claim 23, wherein the retaining lip (12,13) defines a notch to accommodate a fastening element attachment mechanism.

Regarding claim 24, wherein the sidewall comprises a semi-circular section.

Regarding claim 25-26, wherein the housing and latch are flexible (col. 2 lines 83-92). Flexible is defined as capable of being bent or flexed. The apparatus disclosed by Zimmerman is constructed from a single flat piece of sheet metal and

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formed or bent with a die to form a housing with a flexible tongue, therefore the sheet metal would clearly have an inherent flexibility in order for the housing to be formed by the die.

Regarding claim 27, wherein the latch comprises a flange generally parallel to a base of the housing and projecting towards the interior (fig. 11).

Regarding claim 41. Zimmerman discloses a fastener, comprising:

a housing 2 sized and adapted to retain a fastening element 4; and

a latch 10 positioned relative to the housing to retain the fastening element in the housing. Zimmerman fails to disclose the latch and housing both being configured and arranged to be in an un-flexed state while operating to retain the fastening element in the housing. Kochanski discloses a fastener having a latch configured and arranged to be in an un-flexed state while operating to retain the fastening element. It would have been obvious to one having ordinary skill at the time of the invention to have the latch taught by Kochanski in order to prevent the fastening element from being accidentally disconnected from the fastener.

Regarding claim 42, wherein the housing is flexible(col. 2 lines 83-92). Flexible is defined as capable of being bent or flexed. The apparatus disclosed by Zimmerman is constructed from a single flat piece of sheet metal and formed or bent with a die to form a housing with a flexible tongue, therefore the sheet metal would clearly have an inherent flexibility in order for the housing to be formed by the die.

Regarding claim 43, further including a flange 1 and wherein the housing and the latch are both connected to the flange.

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Regarding claim 44 and 52, wherein the flange is configured so that it can be connected to a sheet of material (col. 2 lines 78-82).

Regarding claim 49, wherein the latch is flexible (col. 2 lines 79-86)(Kochanski).

Regarding claim 50, wherein the latch comprises a flange 1 generally parallel to a base of the housing, the latch projecting towards the interior of the housing (Zimmerman).

Regarding claim 51, wherein the latch comprises a bent portion corresponding to the shape of the fastening element (fig. 8)(Kochanski).

Regarding claim 53, wherein the latch is depressible.

Regarding claim 54, wherein latch is positioned relative to the housing to retain the fastening element within the housing by interference with a lateral surface of the fastening element (fig. 8)(Kochanski).

Regarding claim 55, wherein the fastener is attached to an object and the latch is depressible in the direction of the object (col. 2 lines 79-86)(Kochanski).

Claims 13-17 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,855,033 to Frissen in view of U.S. Pat. No. Zimmerman, and further in view U.S. Pat. No. 1,519,380 to Kochanski.

In reference to claim 13, Frissen discloses a fastener assembly, comprising:
a fastening element 29,
a housing 31 connected to a bladder (23,25) and sized to mate with the fastening element. Frissen fails to disclose a latch positioned relative to the housing to retain the fastening element within the housing. Zimmerman discloses a fastener assembly having a latch 10 positioned relative to a housing 9 to retain a fastening element 4. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a fastening assembly having a latch positioned relative to the housing in order to prevent the components from becoming unintentionally disconnected. Frissen fails to disclose the depressible latch positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element. Kochanski discloses a fastener having a latch retaining a fastening element by interference with a lateral surface of the fastening element. It would have been obvious to have the lateral surface of the fastening element of Frissen interfere with the fastening element as taught by Kochanski in order to prevent the fastening element from being accidentally disconnected from the fastener.

Regarding claim 14, wherein the fastening element is flexible (col. 2 lines 83-92).

Regarding claim 15, wherein the housing is flexible (col. 2 lines 83-92).

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Regarding claim 30, wherein the housing comprises a side wall 11 and a retaining lip (12,13)(Zimmerman).

Regarding claim 31, wherein the retaining lip comprises a notch 8 to accommodate a fastening element attachment mechanism.

Regarding claim 32, wherein the side wall 11 comprises a semicircular section.

Regarding claim 33, wherein the latch comprises a portion corresponding to a shape of the fastening element .

Regarding claim 34, wherein the latch is depressible and is positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element (col. 2 lines 79-86)(Kochanski).

Allowable Subject Matter

Claims 16-17 and 35-40 are allowed.

Claims 4, 21, 28-29, and 45-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-55 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

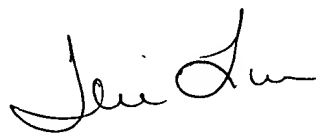
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2168.

FC



TERI PHAM LUU
PRIMARY EXAMINER